BORA LASKIN LAW LIBRARY
3 1761 10082839 1

COMMON MARKET LAW

PROF. W.C. GRAHAM

Volume 2

1983 - 1984

The materials reproduced in this casebook are for the use of students at the Faculty of Law, University of Toronto, and are not for commercial sale.

Edited and selected by:

Professor W.C. Graham
Michael Alexander

LAW LIBRARY

FACULTY OF LAW LIBRARY
UNIVERSITY OF TORONTO

COMMON MARKET LAW

PROF. W.C. GRAHAM

Volume 2

1983 - 1984

The materials reproduced in this casebook are for the use of students at the Faculty of Law, University of Toronto, and are not for commercial sale.

Edited and selected by:

Professor W.C. Graham
Michael Alexander

Digitized by the Internet Archive
in 2018 with funding from
University of Toronto

https://archive.org/details/commonmarketlaw02grah_2

VOLUME II

I N D E X

A. GENERAL INTRODUCTORY MATERIALS

1. McLachlan & Swann, Competition Policy in the European Community, (1967).....Pages 1 - 7

2. Report of Attorney General's National Committee to Study the Anti-Trust Laws (1955).....Pages 7 - 13

3. First Report on Competition Policy, E.C. Commission.....Page 14

B. ARTICLE 85 - TREATY OF ROME

1. Introduction to Article 85.....Pages 15 - 18

2. Legislation

i) Article 85.....Page 19

ii) Regulation 17 of the Council.....Pages 20 - 25

iii) Campbell, A., Common Market Law, Vol. II.....Pages 25 - 26

iv) Combines Investigation Act, ss. 32, 32.1, 32.2, 34, 35.....Pages 26 - 28

v) Sherman Act, s. 1.....Page 28

vi) Clayton Act, ss. 8, 13, 13(a), 13(b), 14.....Pages 28 - 30

3. Cases

i) General Considerations; Particularly, Exclusive Distributorships

(a) L.T.M. -v- M.B.U. (1966) CMLR 357.....Pages 31 - 37

(b) Etablissements Consten and Grundig -v- E.C. Commission (1966) CMLR 418.....Pages 38 - 48

(c) Seiko Time Canada -v- Consumers Distributing Company Limited.....Pages 48 - 50

(d) White Motors -v- U.S. (1962) 372 U.S. 253.....Pages 50 - 54

(e) Continental T.V. Inc. -v- G.T.E. Sylvania Inc. (1977) 433 U.S. 36.....Page 54

(f) U.S. -v- Guerlain (1957) F. Supp. 77.....Pages 54 - 55

(g) R. -v- Hoffman LaRoche Ltd., (1982) 15 D.L.R. (3d) 217.....Page 56

(h) Italy -v- E.C. Council and Commission (1969) CMLR 39.....Pages 57 - 60

(i) Alchian, A., "Words: Musical or Meaningful".....Pages 60 - 61

(j) Re: Cartel in Quinine (1969) CMLR 557.....Pages 62 - 77

(k) Bill C-13, 3d Session, 26 Eliz. II, 1977, s. 31.73.....Page 78

(l) I.C.I. -v- E.C. Commission (1972) CMLR 557.....Pages 79 - 85

(m) Vereeniging Van Cementhandelaren -v- E.C. Commission (1973) CMLR 7.....Pages 85 - 87

(n) Grundig AG -v- Metro-SB-Grossmarkte (1979) 2 CMLR 564.....Pages 87 - 82

(o) Alchian, A., "Words: Musical or Meaningful".....Pages 92 - 95

ii) Parent subsidiary

(a) Forcione, E., Intra-Enterprise Conspiracy under the Anti-trust Regulation of the Common Market, Business Lawyer (1970).....Page 95

(b) Bonham & Soberman, "Nature of Corporate Personality," Canadian Company Law, 1967.....Pages 96 - 98

(c) Re: Christiani & Neilsen S.A. (1969) CMLR D 36.....Pages 99 - 101

(d) Beguelin Import Co. -v- G.I. Import, (1972) CMLR 81.....Pages 101 - 103

(e) Eddy Match -v- The Queen (1953), 109 CCC 1...Pages 103 - 104

(f) Perma Life Mufflers Inc. -v- International Parts Corp. (1968), 392 U.S. 134.....Page 105

(g) Timken Roller Bearing -v- U.S. (1951), 341 U.S. 593.....Pages 105 - 107

(h) U.S. -v- G.M.C. et al (1941), 121 F 2d 374...Pages 108 - 109

(i) Electrical Contractors & Dent, [1961] O.R. 265.....Page 110

(j) Note on Failing Firm in U.S. Anti-Trust Law..Page 111

iii) Multiple Agreements

(a) Brasserie de Haecht, S.A. -v- Wilkin, (1968) CMLR 26.....Pages 112 - 113

(b) Re Kodak (1970) CMLR D19.....Pages 114 - 116

iv) Concerted Practices

(a) I.C.I. -v- E.C. Commission (1972) CMLR 557.....Pages 117 - 131

(b) Re: Floral Dungemittel Verkaufs-Gesellschaft mbH.....Pages 132 - 135

v) De Minimus Agreements

(a) Völk -v- ETS. Vervaecke S.P.R.L., (1969) CMLR 273.....Pages 136 - 139

(b) Notice of the Commission of the European Communities (December 27, 1977).....Pages 140 - 141

(c) S.A. Cadillon -v- Firma Höss Maschinenbaw K.G. (1971) CMLR 420.....Pages 141 - 143

vi) Article 85(3)

(a) Grundig and Consten -v- E.C. Commission, supra.....Page 144

(b) Re: the Agreement of Edmond Isbecque (1965) CMLR 242.....Pages 144 - 146

(c) Re: Campari, December 23, 1977, O.J. L 70/69, May, 1978.....Pages 147 - 153

vii) Block Exemptions

(a) Campbell, Common Market Law, 2nd. ed. Vol. I, Pages 206 - 210.....Pages 154 - 156

viii) Rule of Reason

(a) C.C.H. Résumé.....Page 157

(b) Joliet, Rule of Reason in Anti-Trust Law, Faculté de Droit, Liège (1967).....Pages 158 - 164

(c) U.S. -v- American Tobacco Co. (1911), 221 U.S. 106.....Pages 165 - 166

(d) Board of Trade of the City of Chicago -v- U.S. (1918) 246 U.S. 231.....Page 166 - 167

(e) Appalachian Coals Inc. -v- U.S. (1933) 288 U.S. 344.....Pages 168 - 170

(f) Howard Smith Paper Mills -v- U.S. (1918) SCR 403.....Pages 171 - 176

(g) Aetna Insurance Co. -v- The Queen (1977) 75 DLR (3d) 332 (SCC).....Pages 177 - 185

(h) Excerpt from 1967 Report of Director, Combines Investigation re: Restrictive Trade Practices Commission Report re: Transportation of Commodities by Water and to Ports in Eastern Canada (June 17, 1965).....Page 186

ix) Per Se Rules

(a) Kaysen & Turner, Anti-Trust Policy, Harvard University Press, 1959, Pages 142 - 143.....Pages 187 - 188

(b) U.S. -v- Socony-Vacuum Oil Co. (1940) 310 U.S. 150.....Pages 188 - 192

(c) R. -v- Canadian Coat and Apron Supply Limited (1967) 2 CRNS 62 (Ex. Ct.).....Pages 193 - 194

(iv) Centrafarm -v- Sterling Drugs
(1974) CMLR 480.....Pages 351 - 354

(v) Hensley Equip. -v- Esco decided
September 15, 1967.....Pages 355 - 356

(vi) Note on European Patent Convention
C.C.H., Common Market Reporter, para. 5501.....Pages 356 - 358

(b) Trademarks -

(i) Sirena -v- EDA (1971) CMLR 260.....Pages 359 - 363

(ii) Deutsche Grammophon -v- Metro
(1971) CMLR 631.....Pages 363 - 370

(iii) Grundig-Consten (1966) CMLR 418.....Page 371